

**MEMO ENDORSED**

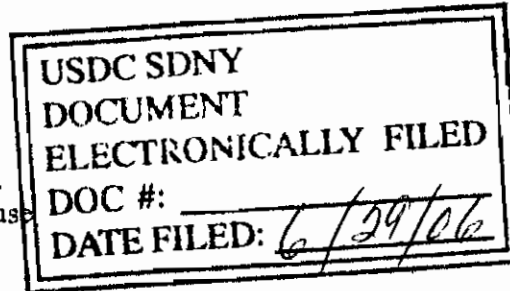
THE CITY OF NEW YORK  
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**BY FACSIMILE**

The Honorable James C. Francis IV  
 United States Magistrate Judge  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl Street – Room 1960  
 New York, New York 10007-1312



June 28, 2006

Re: Abdell, et al. v. City of New York, et al., 05 CV 8453 (KMK) (JCF)

Dear Judge Francis:

I write on behalf of defendants to request a modification of Your Honor's June 6, 2006 order regarding the deposition of retired NYPD officer Brian Wells. I recently learned that Mr. Wells is currently in an intensive training program to become a New York State Trooper and is stationed in Albany, New York from Monday through Friday. Mr. Wells will complete this training in October 2006 and will be more readily available to be deposed at that time. I have explained these circumstances to plaintiffs' counsel, Michael L. Spiegel who has agreed to depose Mr. Wells on a mutually convenient date in October 2006. I am currently endeavoring to ascertain several potential dates for Mr. Wells' deposition, which I will expeditiously communicate to Mr. Spiegel.

Accordingly, if you are so inclined, please modify the standing order regarding Mr. Wells' deposition and order that his deposition take place on a mutually convenient date on or before October 31, 2006.

6/28/06  
 Application granted.  
 SO ORDERED.

James C. Francis IV  
 USMJ

Very truly yours,

Jeffrey A. Dougherty  
 Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq. (by Facsimile)